

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEVIN, *et al.*,
Plaintiffs,

-v-

BANK OF NEW YORK, *et al.*,
Defendants.

09-CV-5900 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

In their respective briefs for the pending motion to dismiss in this case, Plaintiffs and Defendants primarily dispute whether Section 1610(g) of the Foreign Sovereign and Immunities Act strips extraterritorial assets of immunity from attachment and execution. Yet neither party squarely addresses the Supreme Court’s holding in *Rubin v. Islamic Republic of Iran*, in which it held the following about Section 1610(g):

Section 1610(g) serves to identify property that will be available for attachment and execution in satisfaction of a § 1605A judgment, *but it does not in itself divest property of immunity. Rather, the provision's language “as provided in this section” shows that § 1610(g) operates only when the property at issue is exempt from immunity as provided elsewhere in § 1610.* Petitioners cannot invoke § 1610(g) to attach and execute against the antiquities at issue here, which petitioners have not established are exempt from immunity under any other provision in § 1610.

138 S. Ct. 816, 819 (2018) (emphasis added). The Court thus invites letters from both parties, by February 4, 2022, addressing the holding in *Rubin* and whether the “Melli Blocked Account” is “exempt from immunity as provided elsewhere in § 1610.”

SO ORDERED.

Dated: January 27, 2022
New York, New York



J. PAUL OETKEN
United States District Judge